

118TH CONGRESS
2D SESSION

S. 3671

To provide that an individual who uses marijuana in compliance with State law may not be denied occupancy of federally assisted housing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2024

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide that an individual who uses marijuana in compliance with State law may not be denied occupancy of federally assisted housing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marijuana in Federally
5 Assisted Housing Parity Act of 2024”.

6 **SEC. 2. AMENDMENTS TO UNITED STATES HOUSING ACT OF**
7 **1937.**

8 The United States Housing Act of 1937 (42 U.S.C.
9 1437 et seq.) is amended—

1 (1) in section 3(b)(9) (42 U.S.C.
2 1437a(b)(9))—

3 (A) by striking “activity’ means” and in-
4 serting “activity’—

5 “(A) means”;

6 (B) by striking the period at the end and
7 inserting “; and”; and

8 (C) by adding at the end the following:

9 “(B) does not include any such manufac-
10 ture, sale, distribution, use, or possession of
11 marijuana, as defined in that section, that is in
12 compliance with the law of the State in which
13 such manufacture, sale, distribution, use, or
14 possession takes place.”;

15 (2) in section 6 (42 U.S.C. 1437d)—

16 (A) in subsection (l), in the matter pre-
17 ceding subsection (m)—

18 (i) by striking “paragraph (5)” and
19 inserting “paragraph (6)”;

20 (ii) by striking “activity’ means” and
21 inserting “activity’—

22 “(1) means”;

23 (iii) by striking the period at the end
24 and inserting “; and”; and

1 (iv) by adding at the end the fol-
 2 lowing:

3 “(2) does not include any such manufacture,
 4 sale, distribution, use, or possession of marijuana, as
 5 defined in that section, that is in compliance with
 6 the law of the State in which such manufacture,
 7 sale, distribution, use, or possession takes place.”;
 8 and

9 (B) in subsection (t)(7)(C)—

10 (i) by striking “substance’ means”
 11 and inserting “substance’—

12 “(i) means”;

13 (ii) by striking the period at the end
 14 and inserting “; and”; and

15 (iii) by adding at the end the fol-
 16 lowing:

17 “(ii) does not include the use of mari-
 18 juana, as defined in section 102 of the
 19 Controlled Substances Act (21 U.S.C.
 20 802), that is in compliance with the law of
 21 the State in which use takes place.”; and

22 (3) in section 8(f)(5) (42 U.S.C. 1437f(f)(5))—

23 (A) by striking “activity’ means” and in-
 24 serting “activity’—

25 “(A) means”;

1 (B) by striking the period at the end and
 2 inserting “; and”; and

3 (C) by adding at the end the following:

4 “(B) does not include any such manufac-
 5 ture, sale, distribution, use, or possession of
 6 marijuana, as defined in that section, that is in
 7 compliance with the law of the State in which
 8 such manufacture, sale, distribution, use, or
 9 possession takes place.”.

10 **SEC. 3. AMENDMENTS TO QUALITY HOUSING AND WORK**
 11 **RESPONSIBILITY ACT OF 1998.**

12 Subtitle F of title V of the Quality Housing and Work
 13 Responsibility Act of 1998 is amended—

14 (1) in section 576 (42 U.S.C. 13661)—

15 (A) in subsection (b)—

16 (i) in paragraph (1), by striking “Not-
 17 withstanding” and inserting “Except as
 18 provided in paragraph (3) and notwith-
 19 standing”;

20 (ii) in paragraph (2), by inserting
 21 “other than the use of marijuana described
 22 in paragraph (3),” after “controlled sub-
 23 stance” each place such term appears; and

24 (iii) by adding at the end the fol-
 25 lowing new paragraph:

1 “(3) STATE LAW EXCEPTION.—A public hous-
2 ing agency or an owner of federally assisted housing
3 may not establish standards prohibiting admission to
4 the program or admission to federally assisted hous-
5 ing for any household with a member who engages
6 in the use, distribution, possession, sale, or manufac-
7 ture of marijuana, as defined in section 102 of the
8 Controlled Substances Act (21 U.S.C. 802), that is
9 in compliance with the law of the State in which
10 such use, distribution, possession, sale, or manufac-
11 ture takes place.”; and

12 (B) in subsection (c), by adding after and
13 below paragraph (2) the following flush matter:
14 “‘For the purposes of this subsection, the term ‘criminal
15 activity’ does not include the use, distribution, possession,
16 sale, or manufacture of marijuana, as defined in section
17 102 of the Controlled Substances Act (21 U.S.C. 802),
18 that is in compliance with the law of the State in which
19 such use, distribution, possession, sale, or manufacture
20 takes place.’”;

21 (2) in section 577 (42 U.S.C. 13662), by add-
22 ing at the end the following:

23 “(c) STATE LAW EXCEPTION.—For the purposes of
24 this section, the term ‘illegal use of a controlled substance’
25 does not include the use, distribution, possession, sale, or

1 manufacture of marijuana, as defined in section 102 of
 2 the Controlled Substances Act (21 U.S.C. 802), that is
 3 in compliance with the law of the State in which such use,
 4 distribution, possession, sale, or manufacture takes
 5 place.”;

6 (3) in section 579 (42 U.S.C. 13664), by add-
 7 ing at the end the following:

8 “(4) STATE.—The term ‘State’ means—

9 “(A) each of the several States of the
 10 United States;

11 “(B) the District of Columbia;

12 “(C) the Commonwealth of Puerto Rico;

13 “(D) Guam;

14 “(E) American Samoa;

15 “(F) the Commonwealth of the Northern
 16 Mariana Islands;

17 “(G) the Federated States of Micronesia;

18 “(H) the Republic of the Marshall Islands;

19 “(I) the Republic of Palau; and

20 “(J) the United States Virgin Islands.”;

21 and

22 (4) by inserting after section 579 (42 U.S.C.
 23 13664) the following:

1 **“SEC. 580. ENFORCEMENT; SMOKE-FREE ZONES.**

2 “(a) DEFINITION.—In this section, the term ‘mari-
3 juana’ has the meaning given the term in section 102 of
4 the Controlled Substances Act (21 U.S.C. 802).

5 “(b) ENFORCEMENT.—The Secretary may not pro-
6 hibit or otherwise discourage any activity involving the
7 use, distribution, possession, sale, or manufacture of mari-
8 juana in federally assisted housing that is in compliance
9 with the law of the State in which such activity takes
10 place.

11 “(c) HUD SMOKE-FREE ZONES.—Not later than 90
12 days after the date of the enactment of the Marijuana in
13 Federally Assisted Housing Parity Act of 2024, the Sec-
14 retary shall issue regulations that restrict smoking mari-
15 juana in federally assisted housing in the same manner
16 and same locations as the Secretary restricts smoking to-
17 bacco in public housing under subpart G of part 965 of
18 title 24, Code of Federal Regulations (or any cor-
19 responding similar regulation).”.

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